

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARY BANTON,

Case No. 2:17-CV-141 JCM (PAL)

Plaintiff(s),

ORDER

V.

NATIONSTAR MORTGAGE, LLC,

Defendant(s).

Presently before the court is plaintiff Mary Banton's motion to withdraw reference. (ECF No. 1).

Plaintiff is currently undergoing Chapter 13 bankruptcy proceedings. (ECF Nos 1, 1-1). While in bankruptcy, plaintiff filed a complaint against Nationstar Mortgage, LLC, alleging causes of action arising out of a mortgage refinancing. *Id.* Plaintiff asserts claims for unjust enrichment, breach of the implied covenant of good faith and fair dealing, and violations of 12 C.F.R. § 1024.35, 1024.36 and 1024.36(c). *Id.*

The Bankruptcy Code does not define what constitutes cause under 28 U.S.C. § 157(d). However, courts have looked at a number of factors, including, “(1) efficient use of judicial resources; (2) delay and costs to parties; (3) uniformity of bankruptcy administration; (4) prevention of forum shopping; and other related factors.” *In re Access Ins. Servs., Inc.* No. 3:13-cv-00699-MMD, 2014 WL 6065641, at *1 (D. Nev. Nov 12, 2014) (citing *Sec. Farms v. Int’l Bhd. of Teamsters, Chauffeurs, Warehousemen & Helpers*, 124 F.3d 999, 1008 (9th Cir.1999)).

Here, the action should remain a part of the bankruptcy proceeding. The proceeding relates to debtor's bankruptcy, and the factors listed above counsel in favor of maintaining the action in the bankruptcy court. And while plaintiff notes that the action is a non-core proceeding, (ECF No.

1) “[a] bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise
related to a case under title 11.” 28 U.S.C. § 157(c)(1). Plaintiff’s motion does not present
adequate grounds for this court to withdraw the action pursuant to § 157(d).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff’s motion (ECF
No. 1) be, and the same hereby is, DENIED.

DATED October 2, 2017.

James C. Mahan
UNITED STATES DISTRICT JUDGE